

City Council Introduction: **Monday**, June 14, 2004  
Public Hearing: **Monday**, June 21, 2004, at **1:30 p.m.**

Bill No. 03R-147

## **FACTSHEET**

**TITLE:** LETTER OF APPEAL filed by J. Michael Rierden on behalf of Orchid Enterprises, L.L.C., appealing Condition #1 of **SPECIAL PERMIT NO. 04020**, which places a 12-month time limitation on the special permit for a limited landfill on property generally located at S.W. 27<sup>th</sup> Street and West "O" Street.

**STAFF RECOMMENDATION:** Conditional approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 05/26/04  
Administrative Action: 05/26/04

**PLANNING COMMISSION ACTION:** Conditional approval, with amendment imposing a 12-month time limitation (8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand voting 'yes'; Taylor absent).

### **FINDINGS OF FACT:**

1. The purpose of this application for special permit is to allow a limited landfill operation on 5.65 acres, more or less, generally located west of S.W. 27<sup>th</sup> Street and West "O" Street, for the purpose of raising the grade.
2. The staff recommendation of conditional approval, is based upon the "Analysis" as set forth on p.9-10, concluding that the application is generally in conformance with the Comprehensive Plan and the zoning ordinance.
3. Testimony on behalf of the applicant is found on p.13. The applicant agreed with all conditions of approval.
4. There was no testimony in opposition.
5. There was discussion initiated by the Planning Commission about putting a time limit on the special permit since West "O" Street is an entryway to the city. The applicant and owner of the property indicated that he plans to develop the property as commercial once the property is raised (See Minutes, p. 13-14).
6. On May 26, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to adopt Resolution No. PC-00871, approving Special Permit No. 04020, with amendment imposing a 12-month time limitation (See p.3-7).
7. On June 3, 2004, J. Michael Rierden filed a letter of appeal on behalf of the applicant, appealing the 12-month time limitation on this special permit (p.2).
8. The letter of no objection from the FAA received on June 7, 2004 (after the Planning Commission action) is found on p.28-30.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** June 7, 2004

**REVIEWED BY:** \_\_\_\_\_

**DATE:** June 7, 2004

**REFERENCE NUMBER:** FS\CC\2003\SP.04020 Appeal

**J. Michael Rierden**  
ATTORNEY AT LAW

THE COTSWOLD  
845 "M" STREET  
SUITE 200  
LINCOLN, NE 68508

TELEPHONE (402) 476-2413  
TELECOMPER (402) 476-2948

June 3, 2004

City Clerk  
City of Lincoln  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Special Permit 04020-Limited Landfill on a portion of Lot 105 and 106 in  
the Northeast Quarter of 29-10-6, Lancaster County, Nebraska

To Whom It May Concern:

Please consider this letter an appeal of the aforementioned items from the  
recommendation of the Planning Commission dated May 26, 2004. More specifically,  
the appeal is related to the time limitation attached to the Special Permit of twelve  
months. If you should have any questions or need any additional information please feel  
free to contact me.

Yours very truly

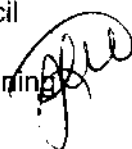
J. Michael Rierden

JMR/jdr

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CITY OF LINCOLN  
NEBRASKA

**PLANNING COMMISSION FINAL ACTION**  
**NOTIFICATION**

**TO :** Mayor Coleen Seng  
Lincoln City Council

**FROM :** Jean Walker, Planning 

**DATE :** June 3, 2004

**RE :** **Special Permit No. 04020**  
(Limited landfill - S.W. 27<sup>th</sup> and West "O" Streets)  
**Resolution No. PC-00871**

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, May 26, 2004:

Motion made by Sunderman, seconded by Carroll, to approve **Special Permit No. 04020**, with conditions, requested by Orchid Enterprises, L.L.C., for authority to operate a limited landfill for a period of 12 months, on property located west of S.W. 27<sup>th</sup> Street and West "O" Street. Motion for approval, with conditions, as amended, carried 8-0: Larson, Carroll, Sunderman, Carlson, Taylor, Marvin, Pearson and Bills-Strand voting 'yes'; Taylor absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

**Attachment**

cc: Building & Safety  
Rick Peo, City Attorney  
Public Works  
Thomas D. Friedman, Orchid Enterprises, L.L.C.  
Gary Butts, NDS Group

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RESOLUTION NO. PC- 00871

SPECIAL PERMIT NO. 04020

1           WHEREAS, Thomas D. Friedman, on behalf of Orchid Enterprises,  
2   L.L.C., has submitted an application designated as Special Permit No. 04020 for  
3   authority to operate a limited landfill on property located west of S.W. 27th Street and  
4   West O Street, and legally described to wit:

5           A part of Lot 105 I.T. and a part of Lot 106 I.T., located in  
6   the Northeast Quarter of Section 29, Township 10 North,  
7   Range 6 East of the 6th P.M., Lincoln, Lancaster County,  
8   Nebraska, described as follows:

9           Beginning at the northeast corner of said Lot 106 I.T., said  
10   point also being the northwest corner of Lot 81 I.T., said  
11   point also being 60.00 feet south of the north line of said  
12   Northeast Quarter and lying on the south right-of-way line of  
13   West O Street, and extending thence south 00 degrees 00  
14   minutes 21 seconds west (assumed) on the east line of said  
15   Lot 106 I.T., a distance of 300.15 feet to a southeast corner  
16   of said Lot 106 I.T., said point being also the southwest  
17   corner of Lot 81 I.T. and a northeast corner of Lot 105 I.T.;  
18   thence south 00 degrees 02 minutes 30 seconds east on the  
19   east line of said Lot 105 I.T., a distance of 59.84 feet to the  
20   southwest corner of Lot 93 I.T.; thence south 89 degrees 13  
21   minutes 53 seconds west, a distance of 343.15 feet to a  
22   point of intersection with the west line of said Lot 105 I.T.,  
23   60.00 feet south of the northwest corner of said Lot 105 I.T.;  
24   thence continuing south 89 degrees 13 minutes 53 seconds  
25   west, a distance of 342.68 feet to a point of intersection with  
26   the west line of said Lot 106 I.T.; thence north 00 degrees  
27   03 minutes 53 seconds west on the west line of said Lot 106  
28   I.T., a distance of 359.73 feet to a point of intersection with

1 the south right-of-way line of West O Street, said point also  
2 being the northwest corner of said Lot 106 I.T.; thence north  
3 89 degrees 16 minutes 06 seconds east on the north line of  
4 said Lot 106 I.T., a distance of 686.83 feet to the point of  
5 beginning, containing an area of 5.67 acres;

6 WHEREAS, the Lincoln City-Lancaster County Planning Commission has  
7 held a public hearing on said application; and

8 WHEREAS, the community as a whole, the surrounding neighborhood,  
9 and the real property adjacent to the area included within the site plan for this will not  
10 be adversely affected by granting such a permit; and

11 WHEREAS, said site plan together with the terms and conditions  
12 hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln  
13 and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the  
14 public health, safety, and general welfare.

15 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster  
16 County Planning Commission of Lincoln, Nebraska:

17 That the application of Thomas D. Friedman, on behalf of Orchid  
18 Enterprises, L.L.C., hereinafter referred to as "Permittee", to operate a limited landfill be  
19 and the same is hereby granted under the provisions of Section 27.43.040(p) and  
20 27.63.560 the Lincoln Municipal Code upon condition that construction and operation of  
21 said limited landfill be in strict compliance with said application, the site plan, and the  
22 following additional express terms, conditions, and requirements:

23 1. This permit approves a limited landfill operation for a period of 12  
24 months from the date of the issuance of the building permit. The operation shall be  
25 limited to the operating hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday.

1                   2.     Before receiving building permits:

2                   a.     The Permittee must receive a determination in writing from  
3                             the FAA that this is a Class IV C&D debris landfill that is not  
4                             a hazardous wildlife attractant or a hazard to aircraft, and  
5                             submit said document to the Planning Department office for  
6                             review and approval.

7                   b.     The limited landfill must meet all local, state and federal  
8                             regulations.

9                   3.     Before operation of this limited landfill all development and  
10                            construction must be in conformance with the approved plans.

11                   4.     Before beginning this limited landfill operation the City County  
12                            Health Department must approve the water, wastewater systems and air quality and  
13                            noise permits.

14                   5.     The site plan approved by this permit shall be the basis for all  
15                            interpretations of setbacks, yards, locations of buildings, location of parking and  
16                            circulation elements, and similar matters.

17                   6.     The terms, conditions, and requirements of this resolution shall be  
18                            binding and obligatory upon the Permittee and the Permittee's successors and assigns.  
19                            The building official shall report violations to the City Council which may revoke the  
20                            special permit or take such other action as may be necessary to gain compliance.

21                   7.     The Permittee shall sign and return the City's letter of acceptance  
22                            to the City Clerk within 30 days following approval of the special permit, provided,  
23                            however, said 30-day period may be extended up to six months by administrative

1 amendment. The City Clerk shall file a copy of the resolution approving the special  
2 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be  
3 paid in advance by the Permittee.

4 The foregoing Resolution was approved by the Lincoln City-Lancaster  
5 County Planning Commission on this 26 day of May, 2004.

ATTEST:

  
Chair

Approved as to Form & Legality:

  
Chief Assistant City Attorney

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for May 26, 2004 PLANNING COMMISSION MEETING**

**\*\*As Revised and Adopted by Planning Commission: 5/26/04\*\***  
**Resolution No. PC-00871**

**P.A.S.:** SP #04020 Limited Landfill

**PROPOSAL:** To operate a limited landfill, as defined in chapter 8.32.010 L.M.C., as permitted under Chapters 27.43.040(p) and 27.63.560 of the L.M.C. and in accordance with the requirements of Chapter 8.32.270 L.M.C..

**LAND AREA:** 5.65 acres, more or less.

**CONCLUSION:** Generally in conformance with the Comprehensive Plan and Zoning Ordinance.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** A portion of Lot 105 and 106 I.T, in the NE 1/4 of Section 29, T10N, R6E., Lancaster County, Nebraska. Metes and bounds description attached.

**LOCATION:** Generally located west of S. W. 27<sup>th</sup> Street and West "O" Street.

**EXISTING ZONING:** H-3 Highway Commercial

**EXISTING LAND USE:** open field

**SURROUNDING LAND USE AND ZONING:**

North:	Commercial	H-3 Commercial
South:	Storage and rail yard	H-3 and I-1
East:	Motel and Commercial	H-3 Commercial
West:	Truck sales/commercial	H-3 Commercial

**COMPREHENSIVE PLAN SPECIFICATIONS:** Shown as Commercial in the Comprehensive Plan. This is in the 2025 Future Service Limit.

**HISTORY:** This area was converted to H-3 Commercial in 1979.

**SPECIFIC INFORMATION:**



**UTILITIES:** Utilities available. This is in the City Limits.

**TOPOGRAPHY:** Sharp drop down to the south. Elevation change of 34feet across the site.

**TRAFFIC ANALYSIS:** West "O" Street is 4 lane U.S. Highway #6.

**PUBLIC SERVICE:** This area is served by the Lincoln Public School District, the Lincoln Fire District, and is in the LES service area.

**REGIONAL ISSUES:** Entrance to the city. Development along "O" Street.

**ENVIRONMENTAL CONCERNS:** There are no Historic or Ecological resources identified on or near this site. There is no flood plain on the site. Crushing is a potential noise and dust generator. A private firm identified about 1/3 of an acre of wetland on this site.

**AESTHETIC CONSIDERATIONS:** This site is near an entry-way corridor.

**ALTERNATIVE USES:** Other uses permitted in the Commercial zone. Fill using earth. Uses limited by the existing site terrain.

**ANALYSIS:**

1. This special permit is to allow a limited landfill on the property for the purpose of raising the grade. Fill will vary up to 24 feet in depth.
2. The application shows an access point at the existing common driveway at the northwest corner and an equipment storage area.
3. Section 27.63.560 - Permitted Special Use: Limited Landfills states the following;

*"A limited landfill, in which only building rubbish and demolition debris are disposed of, may be allowed by special permit in the I-I, H-3, and AG districts.*

*Construction and operation of the limited landfill shall comply with Chapter 8.32 of the Lincoln Municipal Code and any other federal, state, and local regulations and design standards which apply.*

*The application for said permit shall contain the following:*

*(a) A site plan showing the location of the fill area, circulation, equipment storage, and an operation plan showing existing and proposed final elevations, topography, drainage, vegetation and cover depth.*

*(b) Type and estimated volume of the building rubbish and demolition debris to be placed in the landfill.*

©) *A statement of whether it will be a private limited landfill used exclusively by the applicant or a public limited landfill, operated by the applicant and receiving materials from others; including the proposed days and hours of the week the landfill will be in operation; and the estimated traffic volume to the site.*

*(d) A certified copy of the names and addresses of the last known owners of the property and occupied buildings within 300 feet of the location for which a permit is requested."*

4. The site plan and supplementary information provided with the application includes all the information required under 27.63.560 as follows;
  - a) That fill material will be only concrete, brick, and similar type of material. The site plan shows access point and grading contours.
  - b) The site will have an estimated 95,000 cubic yards of rubble.
  - c) The site will be operated extensively for the applicant and will receive materials from others.
  - d) The landfill will be operated from 7:30 a.m. to 6:00 p.m. Monday through Saturday. Estimated truck traffic is thirty (30) trucks per week.
  - e) The final cover will be two feet of soil, re-seeded with grass.
  - f) A certified list of owners was provided.
5. The Airport Authority strongly objects to this facility since it is directly below the main north/south runway and could be an attractant to birds.
6. An NPDES permit is required if more than one acre is disturbed.
7. The Lincoln Lancaster County Health Department notes air pollution regulations will apply.

#### **CONDITIONS:**

##### Site Specific:

1. This approval permits a limited land fill operation for a period of 12 months from the date of the issuance of the building permit. The operation shall be limited to the operating hours of 7:30 AM to 6:00 PM, Monday through Saturday. (**\*\*Per Planning Commission: 05/26/04\*\***)

##### General:

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
  - 2.1.1 Receive a determination in writing from the FAA that this is a Class IV C&D debris land fill that is not a hazardous wildlife attractant or a hazard to aircraft..
- 2.2 The limited landfill shall meet all local, state and federal regulations.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
  - 3.1 Before operation of this limited landfill all development and construction is to comply with the approved plans.
  - 3.2 Before beginning this limited landfill operation the City/County Health Department is to approve the water, waste water systems and air quality and noise permits.
  - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by

Mike DeKalb, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner

May 9, 2004

**APPLICANT:** Thomas D. Friedman  
1404 N. 150<sup>th</sup> Street  
Omaha, NE 68154  
(402) 493-6668

**OWNER:** Orchid Enterprises, LLC  
1404 N. 150<sup>th</sup> Street  
Omaha, NE 68154  
(402) 493-6668

**CONTACT:** Gary Butts, NDS Group  
P.O. Box 80112  
Lincoln, NE 68501  
(402) 430-1157

## SPECIAL PERMIT NO. 04020

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand; Taylor absent.

Staff recommendation: Conditional approval.

Ex Parte Communications: None.

### Proponents

1. **Gary Butts**, 2238 S. 48<sup>th</sup> Street, testified as the project manager. The staff report mentions that crushing is a potential noise and dust generator; however, Butts advised that there will be no crushing on this project. Everything will have already been crushed and rendered to size when delivered to this site. The staff report also mentions that a private firm has identified a wetlands on the project site. Butts does not know where that information came from, and there are no wetlands shown on the national wetlands inventory map that he reviewed. This application has also been reviewed by the Corps of Engineers and they have issued a letter and they are not requiring a 404 permit. With regard to a concern of the FAA, Butts advised that he has already been in contact with them and this landfill project is of no concern of theirs because it is not an expansion or an addition to an existing landfill. He believes he will have a letter from the FAA next week satisfying that condition.

Carlson inquired as to the condition of the land when it is no longer operating as a landfill and how long it will be a temporary landfill. Butts stated that the operator that is going to operate and fill this land with construction debris is one of the largest excavators in Nebraska. They are going to fill it with road demolition debris and building demolition. Depending upon how fast they undertake the demolition projects, it could be three or six months. Once it is filled to a designated level with concrete debris, the rest of the fill will be 5-6 feet of dirt. It could all be filled and covered within 12 months or sooner. As soon as it is filled, it will be seeded with grass for erosion control.

There was no testimony in opposition.

### Staff questions

Mike DeKalb of Planning staff clarified that the reference to wetlands is an error. There are no wetlands on the site.

Carlson inquired whether there is a time limit on this landfill operation. What is the control as far as the conditions to make sure it is covered and reseeded? DeKalb indicated that there is no proposed time limit, and the staff has not typically required a time limit because they are so volatile depending on the market for demolition projects; however, we have done time limits on excavation sites in the past. They will attempt to raise it to at grade with "O" Street. He believes that the

conditions to comply with all state and federal regulations will assure the covering and reseeded. The Airport was concerned because it was directly in the flight path, so they want FAA sign-off, but the FAA does not consider demolition of rubble and debris to be a concern.

Pearson inquired whether anything will be able to be built on top of this site. DeKalb answered in the affirmative. Many of the demolition debris special permits have been along West "O" Street on the south side. The purpose of the special permit is to give public record of the concrete/masonry and difficult building conditions, and to make sure there is nothing put into the fill that should not be. It is zoned commercial and these sites generally end up converting to a commercial use such as a parking lot.

#### Response by the Applicant

**Tom Friedman**, owner of the property, clarified that this is not a refuse area. He has wanted to develop it for a long time. He owns the mini-storage directly behind this site and is wanting to raise the property so that he can put a commercial building on the property down the road. It lends itself to a small warehouse or a small plumbing company.

#### ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 26, 2004

Sunderman moved to approve the staff recommendation of conditional approval, seconded by Carroll.

Marvin indicated that he will not support the staff recommendation. We have entryway corridors on "O" Street and from what he has heard, this is not an egregious crime but he is philosophically opposed to putting a landfill on "O" Street. Last year the Council went through an "O" Street environs process and it is supposed to be developed to be more attractive. Putting up a wood fence for a landfill on "O" Street is not in the spirit of what the "O" Street plan is about.

Pearson agreed with Marvin.

Carlson moved to amend to add a condition that the permit have a 12-month time limit, seconded by Marvin. During that time, it will not be nice to look at. But once it is filled and reseeded, it will not be unsightly.

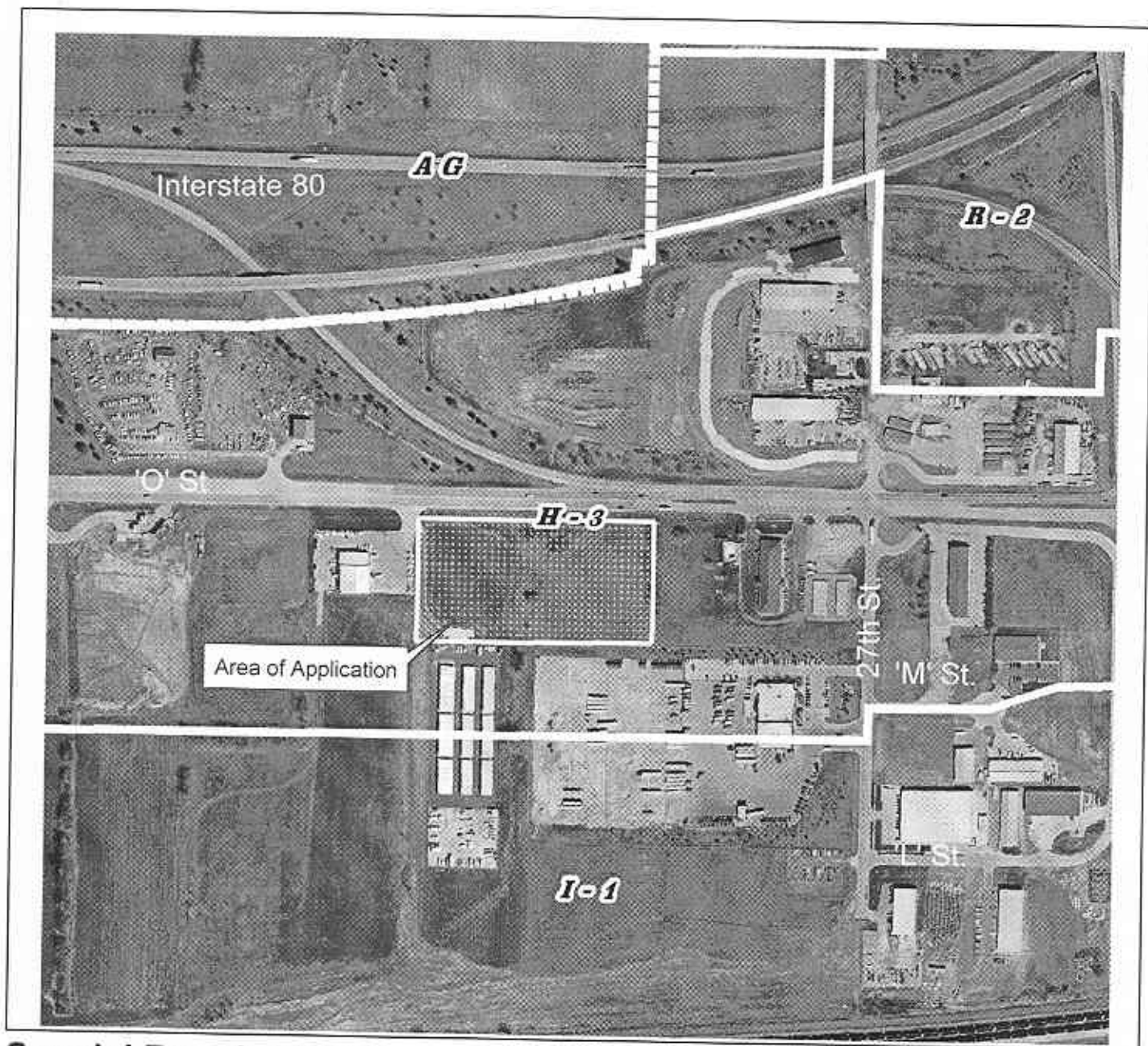
Pearson thinks that makes a lot of sense.

Motion to amend carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand voting 'yes'; Taylor absent.

Carroll stated that he will support it. It will not look nice for 12 months but it changes a piece of property which is nothing now, but which will be something they can build upon and make it look nice in the future. He believes it will eventually improve the property on the "O" Street corridor.

Marvin indicated that he will probably support it with the 12 month time limit.

Motion for conditional approval, with amendment to require a 12-month time limit, carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand voting 'yes'; Taylor absent. This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Special Permit #04020**  
**2851 West 'O' St.**

2002 aerial

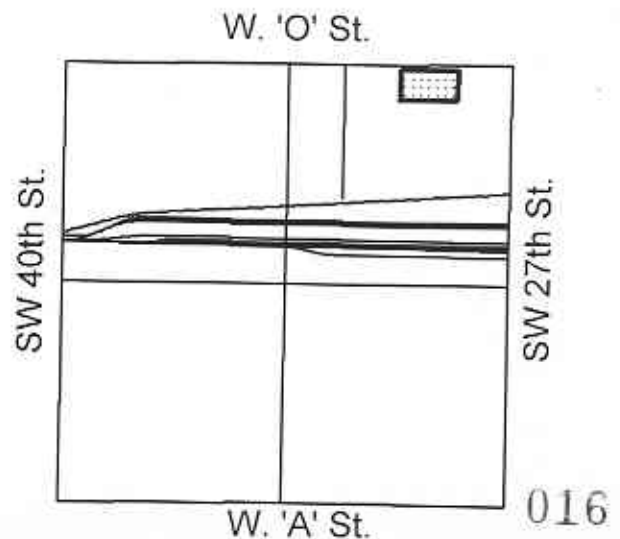
**Zoning:**

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 29 T10N R6E



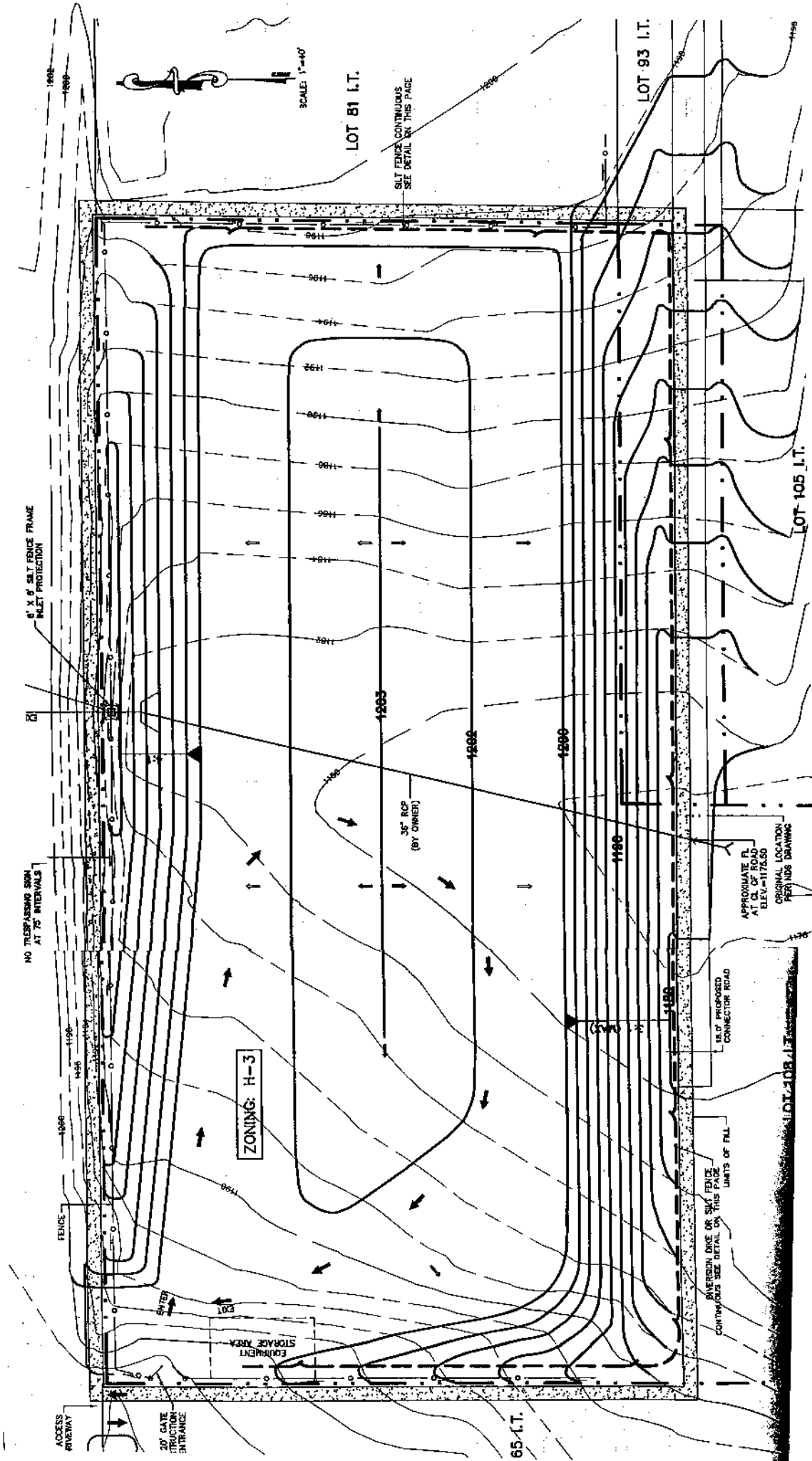
Zoning Jurisdiction Lines  
 City Limit Jurisdiction







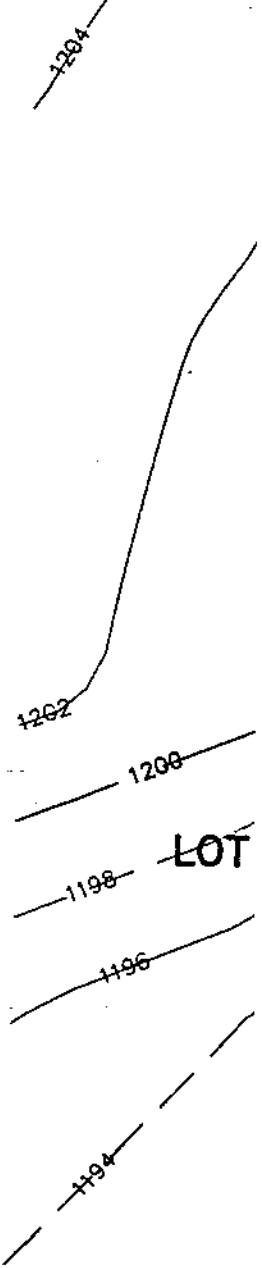
— WEST — O — STREET



**Special Permit #04020**  
**2851 West 'O' St.**

# GENERAL EROSION CONTROL NOTES:

- 1.) AREA OF LAND DISTURBANCE: 5.1 ACRES, MORE OR LESS.
- 2.) ALL EROSION CONTROL MEASURES AS OUTLINED IN THIS PLAN SHALL BE INSTALLED AND IN OPERATIONAL ORDER PRIOR TO THE BEGINNING OF SITE GRADING.
- 3.) WHEN AN EROSION CONTROL STRUCTURE IS DISMANTLED TO FACILITATE ORDERLY CONSTRUCTION AND/OR GRADING, THE ENTIRE STRUCTURE SHALL BE REASSEMBLED AND OPERATIONAL BEFORE WORK IS FINISHED ON THAT DAY.
- 4.) ALL STRUCTURES SHALL BE INSPECTED AFTER EACH RAIN AND REPAIRED AS NECESSARY, INCLUDING BUT NOT LIMITED TO THE REMOVAL OF EXCESS SEDIMENT BUILDUP. THE GRADING CONTRACTOR WILL BE RESPONSIBLE FOR THE UP KEEP AND INSPECTION OF THE INITIAL EROSION CONTROL MEASURES FOR A PERIOD OF ONE YEAR AFTER FINAL SEEDING HAS BEEN COMPLETED, OR APPROVAL OF THE ENGINEER IS AQUIRED.
- 5.) A DISTURBED AREA MUST BE SEEDED, FERTILIZED, & MULCHED IF ACTUAL EARTH MOVING ACTIVITIES ARE NOT TO BE PERFORMED ON AN AREA FOR MORE THAT SEVEN (7) DAYS.
- 6.) UPON COMPLETION OF SITE GRADING THE ENTIRE SITE SHALL BE LEFT CLEAR OF DEBRIS, CLEAN GRADED, FERTILIZED, SEEDED, AND MULCHED ACCORDING TO SEEDING SPECIFICATIONS, OR AS APPROVED BY OWNER.
- 7.) UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES AND STORM WATER MANAGEMENT PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE LINCOLN DRAINAGE CRITERIA MANUAL, DATED AUGUST 1999, AND APPROVED SUPPLEMENTS.
- 8.) ALL SEDIMENT AND EROSION CONTROL PRACTICES WILL BE INSPECTED AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND AFTER ANY STORM EVENT OF GREATER THAN 0.5 INCHES OF PRECIPITATION DURING ANY 24-HOUR PERIOD BY RESPONSIBLE PERSONNEL. ANY NECESSARY REPAIRS OR CLEANUP TO MAINTAIN THE EFFECTIVENESS OF THE BEST MANAGEMENT PRACTICES SHALL BE MADE IMMEDIATELY.
- 9.) FOLLOWING SOIL DISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN SEVEN (7) CALENDAR DAYS TO THE SURFACE OF ALL PERIMETER CONTROLS, TOPSOIL STOCKPILES, AND ANY OTHER DISTURBED OR GRADED AREAS ON THE PROJECT SITE WHICH ARE NOT BEING USED FOR MATERIAL STORAGE, OR ON WHICH ACTUAL EARTH MOVING ACTIVITIES ARE NOT BEING PERFORMED.



## SEEDING SPECIFICATIONS:

	MINIMUM PURITY (%)	APPROVED MECH. DRILL APPLICATION RATE IN LB. OF PURE LIVE SEED/ACRE
<u>NATIVE GRASS SEED MIX</u>		
PERENNIAL RYEGRASS-LINN	85	5
WESTERN WHEATGRASS-FLINTLOCK	85	8
SIDEOATS GRAMA-TRAILWAY	75	4
LITTLE BLUESTEM-CAMPER	45	3
SAND LOVEGRASS-NATIVE	90	1.5
BLUE GRAMA-NE,KS,CO	35	2
BLUE FLAX	90	3
BLACK-EYED SUSAN	90	1
RED CLOVER-2X INOCULATION	90	2
PARTRIDGE PEA-PLATTE	90	0.25
OATS	90	12
<u>NRD COOL SEASON #4 SEED MIX</u>		
1/3 FAWN FESCUE	85	50
1/3 PERENNIAL RYE	80	
1/3 SMOOTH BROME	85	

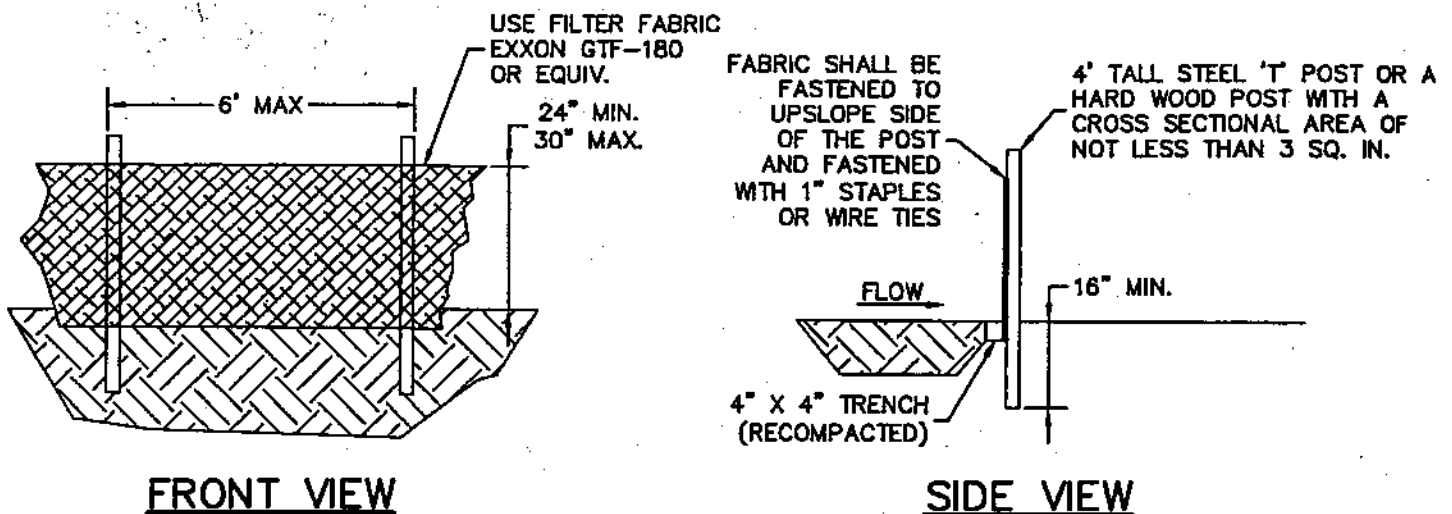
Special Permit #04020  
2851 West 'O' St.

FERTILIZER-200 LBS/ACRE OF 16-48-0 OR 18-40-0 OR 11-52-0  
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.  
MULCH-2 TONS/ACRE OF PRAIRIE HAY OR 2.25 TONS/ACRE OF STRAW. NO BROME HAY.

NOTES: DEVELOPER SHALL HAVE THE OPTION TO USE THE ABOVE NOTED MIXES OR AN

## SILT FENCE NOTES:

1. THE FILTER FABRIC SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID THE USE OF JOINTS. WHEN JOINTS ARE UNAVOIDABLE, FILTER CLOTH SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6 INCH OVERLAP, AND SECURELY SEALED.
2. THE FABRIC SHALL EXTEND INTO THE TRENCH A MINIMUM OF 6 INCHES. THE FABRIC SHALL NOT BE STAPLED TO EXISTING TREES.
3. THE 4 INCH BY 4 INCH TRENCH SHALL BE BACKFILLED AND THE SOIL COMPACTED OVER THE FILTER FABRIC.
4. CLOSE ATTENTION SHALL BE PAID TO THE REPAIR OF DAMAGED SILT FENCE RESULTING FROM END RUNS AND UNDERCUTTING.
5. SHOULD THE FABRIC ON A SILT FENCE DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
6. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH RAINFALL. THEY MUST BE REMOVED WHEN THE LEVEL OF DEPOSITION REACHES APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER.
7. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED, AND SEEDED.



## SILT FENCE

NO SCALE

## LIMITED LANDFILL OPERATION NOTES:

- 1.) TYPE OF MATERIAL TO BE PLACED IN FILL AREA:  
ONLY CONCRETE, BRICK, AND SIMILAR TYPE OF MATERIAL TO BE ALLOWED. WOOD, LUMBER, AND SIMILAR DEGRADABLE MATERIALS WILL NOT BE PERMITTED.
- 2.) ESTIMATED VOLUME OF MATERIAL TO BE PLACED: 95,000(±) CU. YDS.
- 3.) LANDFILL USE: THE LANDFILL WILL BE USED EXTENSIVELY BY THE APPLICANT AND WILL RECEIVE SOME MATERIALS FROM OTHERS. THE LANDFILL WILL OPERATED BY THE APPLICANT.
- 4.) PROPOSED DAYS AND HOURS OF OPERATION: 7:30 A.M. TO 6:00 P.M. MONDAY THROUGH SATURDAY.
- 5.) ESTIMATED TRAFFIC VOLUME TO THE SITE: 30 LOADS PER WEEK.
- 6.) VEGETATION: RESEED WITH NATIVE GRASSES AFTER COVER IS PLACED.
- 7.) COVER DEPTH: 24" MINIMUM.
- 8.) REMOVE TREES BEFORE FILLING.

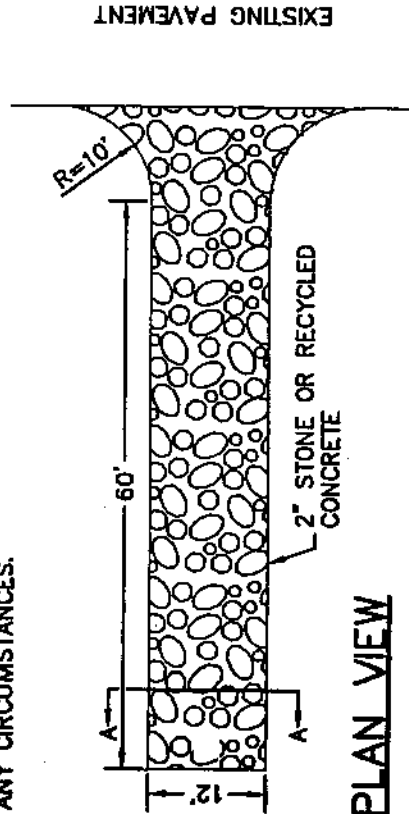
**Special Permit #04020**  
**2851 West 'O' St.**

## STONE CONSTRUCTION ENTRANCE NOTES:

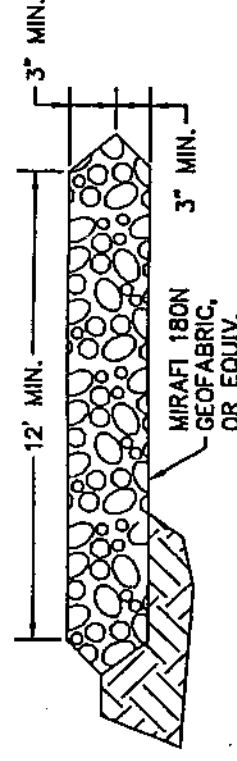
1. CONSTRUCTION ENTRANCE MUST EXTEND THE FULL WIDTH OF THE VEHICULAR INGRESS AND EGRESS AREA.
2. IF CONDITIONS ON THE SITE ARE SUCH THAT THE MAJORITY OF THE MUD IS NOT REMOVED BY THE VEHICLES TRAVELING OVER THE STONE, THEN THE TIRES OF THE VEHICLES MUST BE WASHED BEFORE ENTERING THE PUBLIC ROAD. WASH WATER MUST BE CARRIED AWAY FROM THE ENTRANCE TO AN APPROVED SETTLING AREA TO REMOVE SEDIMENT. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERCOURSES.
3. THE AREA OF THE ENTRANCE MUST BE EXCAVATED A MINIMUM OF 3 INCHES AND MUST BE CLEARED OF ALL VEGETATION, ROOTS, AND OTHER OBJECTIONABLE MATERIAL. THE FILTER FABRIC UNDERLINER WILL THEN BE PLACED THE FULL WIDTH AND LENGTH OF THE ENTRANCE.
4. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
5. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR THE WASHING AND REWORKING OF EXISTING STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY STRUCTURES USED TO TRAP SEDIMENT. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED IMMEDIATELY. THE USE OF WATER TRUCKS TO REMOVE MATERIALS DROPPED, WASHED, OR TRACKED ONTO ROADWAYS WILL NOT BE PERMITTED UNDER ANY CIRCUMSTANCES.

## LEGEND:

	PROPERTY LINE
	CENTER LINE
	EXISTING MAJOR CONTOUR LINE
	EXISTING MINOR CONTOUR LINE
	PROPOSED CONTOUR LINE
	3:1 (MAX)
	GRADE SLOPE
	SILT FENCE OR DIVERSION DIKE
	8' X 8' SILT FENCE FRAME INLET PRO
	DRAINAGE FLOW
	TRUCK CIRCULATION FENCE
	NO TRESPASSING SIGN @ 75' INTERVAL
	PERIMETER OF FILL AREA



PLAN VIEW



SECTION A-A

## STONE CONSTRUCTION ENTRANCE

NO SCALE

Special Permit #04020  
2851 West 'O' St.

02

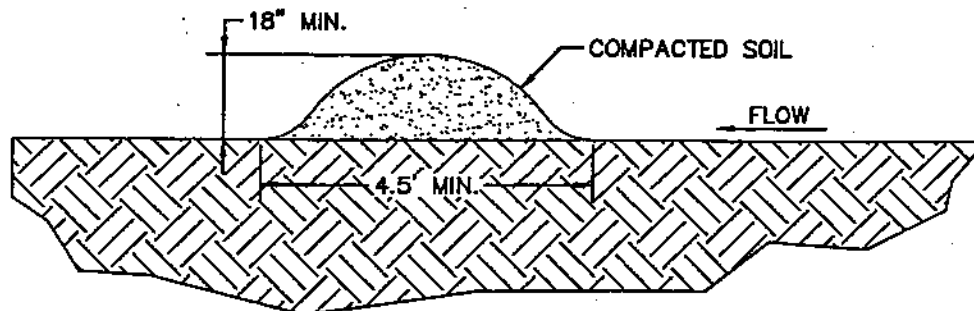
WEST — 0 — STREET

## TEMPORARY DIVERSION DIKE NOTES:

1. TEMPORARY DIVERSION DIKES MUST BE INSTALLED AS A FIRST STEP IN THE LAND DISTURBING ACTIVITY AND MUST BE FUNCTIONAL PRIOR TO UPSLOPE LAND DISTURBANCE.
2. THE DIKE SHALL BE ADEQUATELY COMPACTED TO PREVENT FAILURE.
3. TEMPORARY OR PERMANENT SEEDING AND MULCH SHALL BE APPLIED TO THE DIKE IMMEDIATELY FOLLOWING IT'S INSTALLATION.
4. THE DIKE SHOULD BE LOCATED TO MINIMIZE DAMAGES BY CONSTRUCTION OPERATIONS AND TRAFFIC.

## MAINTENANCE:

THE MEASURE SHALL BE INSPECTED AFTER EVERY STORM AND REPAIRS MADE TO THE DIKE, FLOW CHANNEL, OUTLET OR SEDIMENT TRAPPING FACILITY, AS NECESSARY. ONCE EVERY TWO WEEKS, WHETHER A STORM EVENT HAS OCCURRED OR NOT, THE MEASURE SHALL BE INSPECTED AND REPAIRS MADE IF NEEDED. DAMAGES CAUSED BY CONSTRUCTION TRAFFIC OR OTHER ACTIVITY MUST BE REPAIRED BEFORE THE END OF EACH WORKING DAY.



## TEMPORARY DIVERSION DIKE

NO SCALE

**Special Permit #04020**  
**2851 West 'O' St.**

EP  
TO

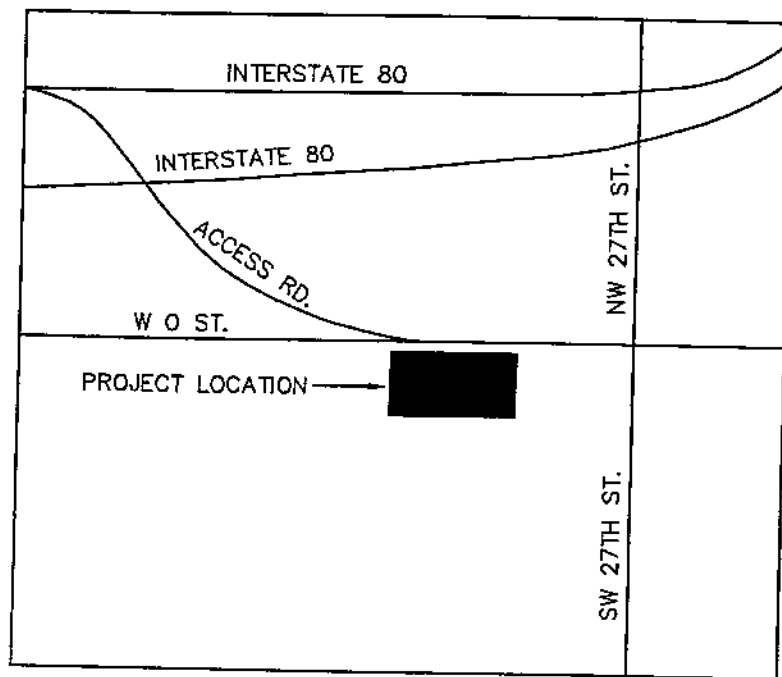
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## VICINITY MAP

## LEGAL DESCRIPTION:

A part of Lot 105 I.T. and a part of Lot 106 I.T. located in the NE  $\frac{1}{4}$  of Section 29, T. 10 N., R. 6 E. of the 6th P.M., City of Lincoln, Lancaster County, Nebraska described as follows:

Beginning at the NE Corner of said Lot 106, I.T., said point also being NW corner of Lot 81 I.T., said point also being 60.00 feet south of the north line of said NE  $\frac{1}{4}$  and lying on the south ROW line of West 'O' Street, and extending thence S.  $00^{\circ} 00' 21''$  W. (Assumed) on the east line of said Lot 106 I.T. a distance of 300.15 feet to a southeast corner of said Lot 106 I.T., said point also being the SW corner of Lot 81 I.T. and a NE corner of Lot 105 I.T.;

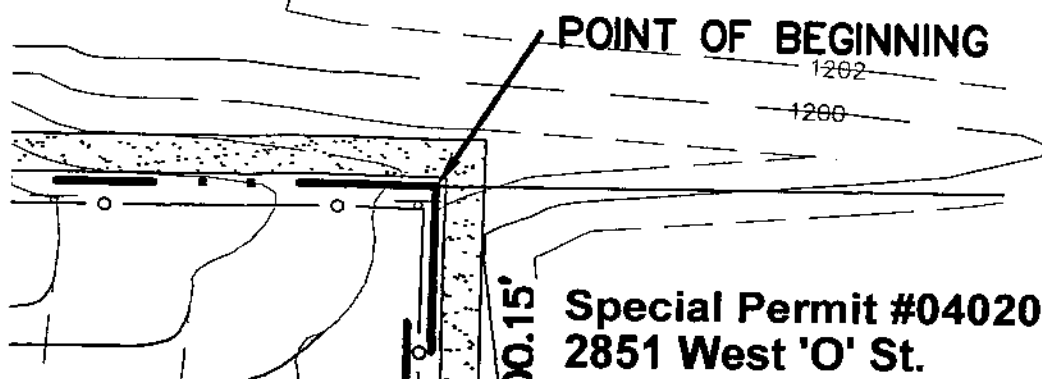
Thence S.  $00^{\circ} 02' 30''$  E. on the east line of said Lot 105 I.T. a distance of 59.84 feet to the SW corner of Lot 93 I.T.;

Thence S  $89^{\circ} 13' 53''$  W. a distance of 343.15 feet to a point of intersection with the west line of said Lot 105 I.T., 60.00 feet south of the NW corner of said Lot 105 I.T.;

Thence continuing S.  $89^{\circ} 13' 53''$  W., a distance of 342.68 feet to a point of intersection with the west line of said Lot 106 I.T.

Thence N.  $00^{\circ} 03' 53''$  W. on the west line of said Lot 106 I.T. a distance of 359.73 feet to a point of intersection with the south ROW line of West 'O' Street, said point also being the NW corner of said Lot 106 I.T.;

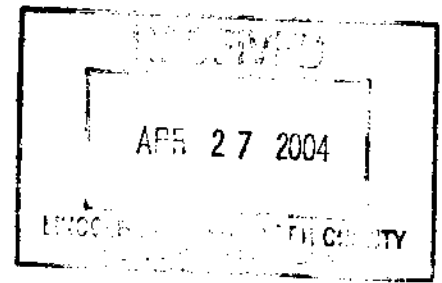
Thence N.  $89^{\circ} 16' 06''$  E. on the north line of said Lot 106 I.T. a distance of 686.83 feet to the Point of Beginning, containing an area of 5.67 acres.



# **Lincoln Airport Authority**

April 26, 2004

Mr. Mike DeKalb  
Lincoln/Lancaster Planning Department  
555 So. 10th  
Lincoln, NE 68508



Subject: Special Permit # 04020  
Limited Landfill

Mr. DeKalb:

We have reviewed the subject project information as provided by your April 15 memorandum and strongly object to this proposal.

We are opposed to this development due to its potential as a wildlife hazard to aircraft. To quote from the FAA, "During the past century, wildlife-aircraft strikes have resulted in the loss of hundreds of lives world-wide, as well as billions of dollars worth of aircraft damage." . For this reason, FAA recommends certain separations between wildlife attractants and airports. These separations are 5,000' for airports serving piston powered aircraft, 10,000' for those serving turbine (jet) powered aircraft and a distance of 5 statute miles if the attractant would cause movement in or across the approach or departure airspace.

This proposed landfill would be located directly south of the Lincoln Airport, on the extended centerline of Runway 18/36, within 1 mile of the runway end. This places the proposed development in the direct approach to the runway, the approach used by a vast majority of our air carrier traffic, our military traffic. This is also the runway approach served by FAA Instrument Landing System equipment, allowing aircraft to land in extremely low weather conditions.

We realize that the proposed is supposed to be a limited landfill, receiving only concrete block, brick and similar material. However, the FAA advises that even construction and demolition (C&D) landfills may have similar visual and operational characteristics to putrescible-waste disposal sites and so may become attractive to wildlife and create hazardous situations. It is this potential for the creation of a hazardous situation that causes us so much concern.

For your use in reviewing the proposal I have attached a copy of the FAA's guidance on Hazardous Wildlife Attractants, AC 150/5200-33 and their



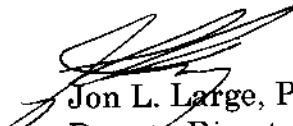
Mr. Mike DeKalb  
April 26, 2004  
Page 2

guidance concerning the "Construction or Establishment of Landfills near Public Airports", AC 150/5200-34. Please note that if the proponent chooses to move forward with proposal, they must notify the Regional FAA Airports Division office and also must demonstrate successfully that this development is not a hazard to aircraft.

If you have any questions or comments concerning our opposition to this proposal, please give me a call.

Sincerely,

AIRPORT AUTHORITY



Jon L. Large, P.E.  
Deputy Director of Engineering

JLL/lb

Attachments

cc: Duncan Ross

# Advisory Circular

AC 150/5200-33

## SECTION 3. LAND USES THAT MAY BE COMPATIBLE WITH SAFE AIRPORT OPERATIONS.

**3-1. GENERAL.** Even though they may, under certain circumstances, attract hazardous wildlife, the land use practices discussed in this section have flexibility regarding their location or operation and may even be under the airport operator's or sponsor's control. In general, the FAA does not consider the activities discussed below as hazardous to aviation if there is no apparent attraction to hazardous wildlife, or wildlife hazard mitigation techniques are implemented to deal effectively with any wildlife hazard that may arise.

**3-2. ENCLOSED WASTE FACILITIES.** Enclosed trash transfer stations or enclosed waste handling facilities that receive garbage indoors; process it via compaction, incineration, or similar manner; and remove all residue by enclosed vehicles, generally would be compatible, from a wildlife perspective, with safe airport operations, provided they are not located on airport property or within the runway protection zone (RPZ). No putrescible-waste should be handled or stored outside at any time, for any reason, or in a partially enclosed structure accessible to hazardous wildlife.

Partially enclosed operations that accept putrescible-waste are considered to be incompatible with safe airport operations. FAA recommends these operations occur outside the separations identified in the siting criteria in 1-3.

**3-3. RECYCLING CENTERS.** Recycling centers that accept previously sorted, non-food items such as glass, newspaper, cardboard, or aluminum are, in most cases, not attractive to hazardous wildlife.

**3-4. COMPOSTING OPERATIONS ON AIRPORTS.** FAA recommends against locating composting operations on airports. However, when they are located on an airport, composting operations should not be located closer than the greater of the following distances: 1,200 feet from any aircraft movement area, loading ramp, or aircraft parking space; or the distance called for by airport design requirements. This spacing is intended to prevent material, personnel, or equipment from penetrating any Obstacle Free Area (OFA), Obstacle Free Zone (OFZ), Threshold Siting Surface (TSS), or Clearway (see AC 150/5300-13, *Airport Design*). On-airport disposal of compost by-products is not recommended for the reasons stated in 2-3.d.

### **a. Composition of material handled.**

Components of the compost should never include any municipal solid waste. Non-food waste such as leaves, lawn clippings, branches, and twigs generally are not considered a wildlife attractant. Sewage sludge, wood-chips, and similar material are not municipal solid wastes and may be used as compost bulking agents.

**b. Monitoring on-airport composting operations.** If composting operations are to be located on airport property, FAA recommends that the airport operator monitor composting operations to ensure that steam or thermal rise does not affect air traffic in any way. Discarded leaf disposal bags or other debris must not be allowed to blow onto any active airport area. Also, the airport operator should reserve the right to stop any operation that creates unsafe, undesirable, or incompatible conditions at the airport.

**3-5. ASH DISPOSAL.** Fly ash from resource recovery facilities that are fired by municipal solid waste, coal, or wood, is generally considered not to be a wildlife attractant because it contains no putrescible matter. FAA generally does not consider landfills accepting only fly ash to be wildlife attractants, if those landfills: are maintained in an orderly manner; admit no putrescible-waste of any kind; and are not co-located with other disposal operations.

Since varying degrees of waste consumption are associated with general incineration, FAA classifies the ash from general incinerators as a regular waste disposal by-product and, therefore, a hazardous wildlife attractant.

**3-6. CONSTRUCTION AND DEMOLITION (C&D) DEBRIS LANDFILLS.** C&D debris (Class IV) landfills have visual and operational characteristics similar to putrescible-waste disposal sites. When co-located with putrescible-waste disposal operations, the probability of hazardous wildlife attraction to C&D landfills increases because of the similarities between these disposal activities.

FAA generally does not consider C&D landfills to be hazardous wildlife attractants, if those landfills: are maintained in an orderly manner; admit no putrescible-waste of any kind; and are not co-located with other disposal operations.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Mike DeKalb

**DATE:** April 26, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File  
EH Administration

**SUBJECT:** NDS Group  
Landfill  
SP #04020

The Lincoln-Lancaster County Health Department has reviewed the special permit application with the following noted:

- The applicant should review and will be responsible for complying with the Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32 Dust - Duty to Prevent Escape of. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage.



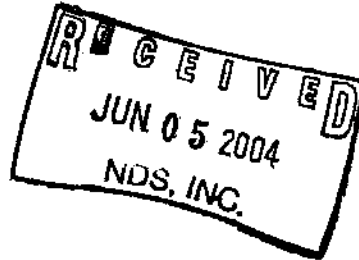
U.S. Department of Transportation  
Federal Aviation Administration  
Airports Division

Central Region  
Iowa, Kansas,  
Missouri, Nebraska

901 Locust  
Kansas City, Missouri 64106-2325  
(816) 329-2617

June 2, 2004

Mr. Gary Butts  
Project Manager  
NDS Group  
P.O. Box 80112  
Lincoln, NE 68501



Dear Mr. Butts:

RE: Notification of Limited Landfill  
Construction/Debris Landfill of Lincoln, NE  
2861 West O St., Lincoln, NE

This is in response to your memo of June 1, 2004, in which you requested that the Federal Aviation Administration (FAA) review and comment on the proposed landfill located south of the Lincoln Municipal Airport. Your request indicated that this proposed landfill is to be used for the disposal of construction and demolition waste.

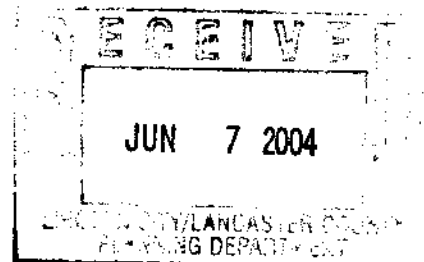
We have reviewed your proposal with respect to FAA Advisory Circular 150/5200-33, Hazardous Wildlife Attractants On Or Near Airports, (available at <http://www.faa.gov/arp/pdf/5200-33.pdf>). Based on the information you provided, the operation of this facility would be considered compatible with airport operations because the landfill product consists of concrete, brick and masonry with a top covering of dirt, and other non-organic materials that would not be an attraction to birds or other wildlife. We would have no objections to the development of the landfill, provided that no food waste of any kind is admitted, no existing putrescible-waste landfills are in close proximity, and that any processing of raw materials does not result in dust emissions to the extent that they would create a visual impairment to aircraft.

Thank you for the opportunity to comment on the expansion of this facility. Please contact me at (816) 329-2622 if you have any questions.

Sincerely,

Cheryl L. Dobson  
Regional Wildlife Coordinator

cc: Lincoln Municipal Airport  
NDA



## NDS Group

NDS INC.  
P. O. Box 80112  
Lincoln, Nebr. 68501

SINCE 1971  
PROJECT MANAGERS  
DESIGN-BUILD  
PRE-ENGINEERED STRUCTURES

CONTACT INFORMATION:  
Proj. Mgr. (402)430-1157  
Facsimile (402)489-8065  
Voice Mail (402)441-0338  
Email: info@ndsgroup.com

Web Site: [NDSgroup.com](http://NDSgroup.com)

### MEMO

DATE: June 1, 2004

TO: Cheryl Dobson – FAA via Facsimile (816)329-2610

FROM: Gary Butts – Project Manager

SUBJECT: Special Permit Application No. 04020 for Limited Landfill  
2861 West O Street, Lincoln, Ne

Attached is the grid map detailing the location of the proposed Limited Landfill we spoke about on the phone. Latitude and Longitude is 40 48 45 N and 96 45 39 W

This project involves the use of concrete, brick and masonry as fill with the top covering to be from 2 ft to 6 ft of compacted clay and then seeding for erosion control. This area is not adjacent to or any expansion of any existing landfill project.

As you indicated over the phone, this type of project would pose no hazard to aircraft or air transportation and would no be objectionable to the FAA. If this is the case, could you please forward a letter to this effect.

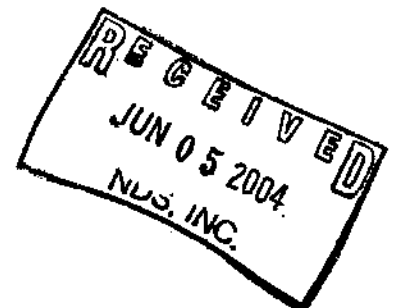
You may fax it to (402)489-8065 or Mail to P. O. Box 80112, Lincoln, Ne 68501.

Thanks

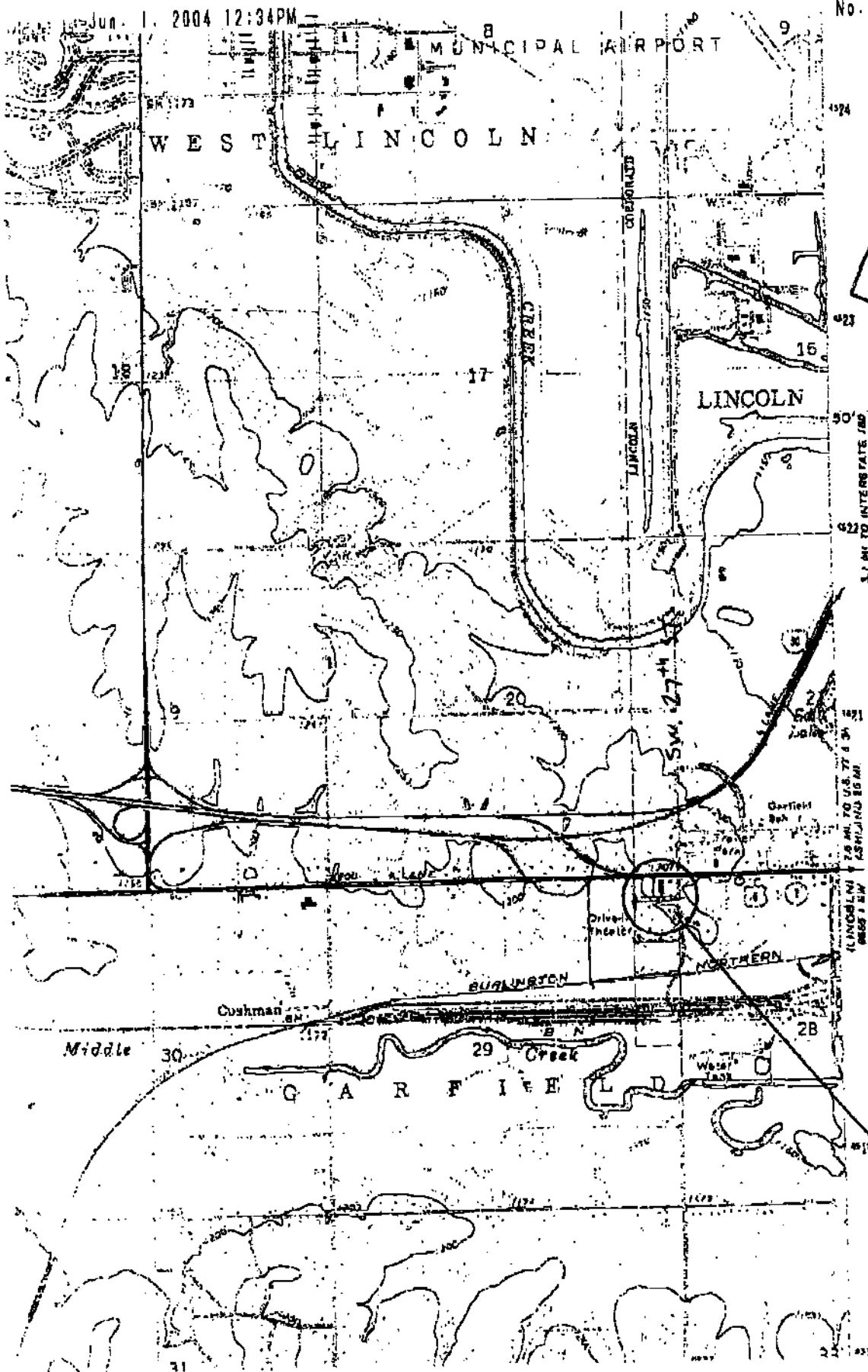


Gary Butts  
Project Manager

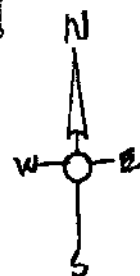
Attached: Grid Map



No. 1334 P. 2



RECEIVED  
JUN 05 2004  
NDS, INC.



Proposed Site  
281 West 10th St.  
Lincoln, NE

pn439

030